

No. 11(112)-80-3Lab/9643.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Jai Hind Investment and Industries Pvt. Ltd., Sector 24, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

S

Reference No. 246 of 1979

between

SHRI LAKHAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. JAI HIND INVESTMENT
AND INDUSTRIES PRIVATE LIMITED, SECTOR-24, FARIDABAD

Present :— Shri C. L. Oberoi for the workman.

Shri R. C. Sharma for the management.

AWARD

1. By order No. 1/100-79/35718, dated 10th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Jai Hind Investment and Industries Private Limited, Sector-24, Faridabad and its workman Shri Lakhan Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Lakhan Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 14th November, 1979 :—

(1) Whether the workman was appointed on purely temporary basis ?

(2) Whether the termination of services of the workman was justified and in order ?

(3) Relief ?

And the case was fixed for the evidence of the management. The management examined Shri Mahavir Parshad as MW-1 and closed their case. Then the case was fixed for the evidence of the workman who examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard. Now I give my finding issue-wise :—

Issue No. 1.—The management placed on record appointment letter Ex-M-1 which was admitted by the workman. According to this the workman was appointed on temporary basis from 4th December, 1978 to 3rd March, 1979 at Rs. 7 per day. Therefore, Issue No. 1 is decided in favour of the management.

Issue No. 2.—MW-1 stated that the factory was engaged in the manufacturing of polls used by Electricity Board. The management had urgent work. Therefore, to cope with that temporary staff was recruited and the workman was one of them. He further stated that there was power and cement shortage. He produced documents Ex. M-1 to M-3. WW-1 the workman concerned stated that he was appointed on 4th December, 1978. His services were terminated,—*vide* letter Ex. W-1. The Foreman was annoyed with him because he wanted his personal work from him. In cross-examination he admitted his signatures on Ex. M-1 and M-2. He also admitted that the factory was engaged in the manufacturing of cement poles.

I have seen Ex. M-2 the letter of extension of temporary period which states that temporary period was further extended by three months. M-3 is the termination letter which is dated 2nd June, 1979 and which runs thus :—

“Since your services are no longer required so you are hereby informed that your services are terminated with effect from 3rd June, 1979.”

Thus this workman served from 4th December, 1978 to 3rd June, 1979. There was temporary appointment for a fixed period and there is no stigma attached to his termination. Therefore, this issue is decided in favour of the management.

Issue No. 3.—The workman is not entitled to any relief.

In view of my finding given in issues Nos. 1 to 3, I give my award that the termination of services of the workman concerned Shri Lakhan Singh was justified and in order. The workman is not entitled to any relief.

Dated, the 4th August, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 725, the 6th August, 1980.

Forwarded (four copies) to the Secretary to the Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-3Lab./9644.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s American Universal Electric (India), Ltd., Model Town, Faridabad :—

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 252 of 1979

between

SHRI KANWAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S. AMERICAN UNIVERSAL ELECTRIC (INDIA), LIMITED, MODEL TOWN, FARIDABAD.

Present :—Shri S.R. Gupta for the workman.
Shri R.N. Rai for the management.

AWARD

1. By order No. ID/FD/119-79/35106, dated 10th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. American Universal Electric (India), Limited, Model Town, Faridabad and its workman Shri Kanwar Singh, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Kanwar Singh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 6th December, 1979 and the case was fixed for the evidence of the management. On the last date of hearing the representative for the management stated that the workman has settled the dispute with the management and stated that workman has received Rs. 1,600/- in full and final settlement and has left for good. The settlement is Ex. M-1. I, therefore, give my award that the workman has settled the dispute with the management and there is no dispute now pending for adjudication between the parties.

M. C. BHARDWAJ,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.

Dated, the 1st August, 1980.

No. 727, dated 6th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3 Lab./9645.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s East India Cotton, Manufacturing Co. Ltd., Faridabad :—

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 104 of 1972

between

SHRI RISHI LAL, WORKMAN AND THE MANAGEMENT OF M/S. EAST INDIA COTTON MANUFACTURING CO. LTD., FARIDABAD

AWARD

An award was made in this reference on 22nd September, 1975 which was published in the Haryana official gazette. Thereafter, the management of M/s. East India Cotton Manufacturing Co. Ltd., Faridabad filed a writ petition (Number 2036 of 1976). The writ was decided by the Hon'ble the High Court by order, dated 3rd December, 1979. Award was set aside and the parties were directed to appear before this Tribunal. They were allowed to adduce such additional evidence as deemed relevant.

After receipt of the order notices were issued to the parties. The management appeared but the workman did not appear despite registered letters on his last known address. It was revealed that the workman during the pendency of the writ petition had been paid an amount of Rs. 7,907.75 on the direction of the Hon'ble the High Court. He received this amount after executing a surety bond. He had undertaken to refund the amount to the management in case their writ petition was accepted. The representative of the management stated that because the writ petition had been accepted, therefore, the workman was not appearing in these proceedings for fear of refund of the above amount.

In these circumstances, I give my award that the workman is not interested in pursuing his case and there is no dispute between the parties at present.

Dated the 4th August, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal Haryana, Faridabad.

Endst. No. 724, the dated 6th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 18th August, 1980

No. 11(112)-80-3 Lab./9640.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Vimal Sudha Hosiery Industrial Area, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 222 of 1979
between

SHRI YADU NANDAN PARSHAD TIWARI, WORKMAN AND THE MANAGEMENT OF
M/S. VIMAL SUDHA HOISIERY, INDUSTRIAL AREA, FARIDABAD

Present—Shri B.M. Gupta, for the workman.
Shri R.C. Sharma, for the management.

AWARD

1. By order No. FD/25-79/34928, dated 9th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Vimal Sudha Hosiery, Industrial Area, Faridabad and its workman Shri Yadu Nandan Parshad Tiwari, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Yadu Nandan Parshad Tiwari was justified and in order ? If not, to what relief is he entitled ?”

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 20th November, 1979 and the case was fixed for the evidence of the management. The management examined Shri G.S. Chaudhary on 23rd May, 1980 and the case was fixed for remaining evidence of the management and of the workman also. But on the date fixed the parties stated that the dispute has been settled and produced the settlements. Settlements are Ex. M-1 and M-2. I, therefore, give my award in terms of the settlements and there is no dispute now pending for adjudication between the parties.

Dated the 1st August, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endst. No. 723, the dated 6th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-3 Lab/9737.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. of XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad/Rohtak in respect of the dispute between the workman and the management of M/s Rubber Ways Company Private Limited, 13/3, Mathura Road, Faridabad.

IN THE COURT OF SHRI I.P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 88 of 1980

between

SHRI HARI BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S RUBBER WAYS COMPANY, PRIVATE LIMITED, 13/3, MATHURA ROAD, FARIDABAD

Present.—Shri K. L. Sharma, for the workman.

Shri J.S. Saroha, for the respondent-management.

AWARD

This reference No. 88/80 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/11/80/9724, dated 25th February, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Hari Bahadur, workman and the management of M/s. Rubber Ways Company Private Limited, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Hari Bahadur was justified and in order? If not, to what relief is he entitled?

After receiving the order of reference, notices were issued to both the parties for 20th May, 1980. Both the parties appeared and the workman filed the claim statement and the case was fixed for filing the written statement for 28th May, 1980. On 28th May, 1980 first call at 8.30 a.m. then second call at 10.15 a.m. were given and I proceeded *ex parte* against the management and the case was fixed for recording of *ex parte* evidence of the workman for 6th June, 1980. On 6th June, 1980 the management submitted an application for setting aside the *ex parte* order passed against the management. *Ex parte* order was set aside subject to payment of cost of Rs. 15 and the case was fixed for filing the rejoinder for 7th July, 1980. On that day the rejoinder was filed by the workman and the case was fixed for framing the issues for 10th July, 1980. On that day the workman made a statement before this court that he had received Rs. 300 (Rs. three hundred only) before this court from the management and settled his dispute. Now nothing remained due of him including right of reinstatement/reemployment. This statement was agreed to by the representative of the management.

In the light of the above statement made by both the parties, I hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties. No order as to costs.

This be read in answer to this reference.

I. P. CHAUDHARY,

Dated the 6th August, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1398, dated the 11th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, with the request that receipt of the award may please be acknowledged within week's time.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab./9738.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Perfect Fasteners Pvt. Ltd., 1/43 D.L.F. Industrial Area, Faridabad.

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 194 of 1980

between

SHRI SHAMBU SARAN RAI, WORKMAN AND THE MANAGEMENT OF M/S. PERFECT FASTENERS PRIVATE LIMITED, 1/43 D.L.F. INDUSTRIAL AREA, FARIDABAD

Present .—

Shri B. M. Gupta, for the workman.

Shri K. P. Aggarwal, for the respondent-management.

AWARD

This reference No. 194/80 has been referred to this Court by the Hon'ble Governor of Haryana, *vide* his order No. ID/FD/48-80/14413, dated 20th March, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Shambu Saran Rai, workman and the management of M/s. Perfect Fasteners Private Limited, 1/43, D.L.F. Industrial Area, Faridabad. The terms of the reference was :—

Whether the termination of services of Shri Shambu Saran Rai, was justified and in order ? If not to what relief is he entitled ?

After receiving the order of reference, notices were sent to both the parties. The parties appeared and filed their pleadings and on the pleadings of the parties issues were framed on 2nd June, 1980 and the case was fixed for recording of evidence of the management for 18th July, 1980. On that day Shri K. P. Aggarwal, authorised representative of the management made the statement that the workman Shri Shambu Saran Rai had settled his dispute with the management and taken Rs. 150 (One hundred and fifty only) in full and final settlement of his claim from the company on 17th January, 1980. The photo copy of full and final voucher is Exhibit M-1. The workman had also forgone his right of reinstatement or re-employment. Now there was no dispute between the parties. This statement of the representative of the management was admitted by the representative of the workman. He further stayed that he had no instruction from the workman to contest this dispute.

In the light of the above statement made by the parties, I hold that the demand raised by the workman against the managements leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties. No order as to costs.

This be read in answer to this reference.

Dated the 6th August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1399, dated the 11th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act with the request that receipt of the award may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.